

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MARTIN J. WALSH, Secretary of Labor,
United States Department of Labor,¹

Plaintiff,

v.

Civil Action No. 2:23-cv-00064-JAW

ANTONIA’S, INC., d/b/a ANTONIA’S
PIZZERIA, and LEE SOTIROPOULOS,

Defendants.

CONSENT JUDGMENT AND ORDER

Plaintiff Secretary of Labor, United States Department of Labor (the “Secretary”), has filed a Complaint in this matter, and Defendants Antonia’s Inc. d/b/a Antonia’s Pizzeria (“Antonia’s”) and Lee Sotiropoulos have received a copy of that Complaint, waived service of process, and answered the Complaint. The Court finds that it has jurisdiction to enter this Consent Judgment and Order (the “Consent Judgment”), and Plaintiff and Defendants agree to its terms.

It is therefore, ORDERED, ADJUDGED, and DECREED that:

1. Defendants Antonia’s and Sotiropoulos, and their successors, assigns, agents, servants, employees, and all persons in active concert or participation with them, or acting in their interest and behalf be, and they hereby are, permanently enjoined and restrained from violating Section 15(a)(3) of the Fair Labor Standards Act of 1938 (the “FLSA” or “Act”), 29 U.S.C. § 215(a)(3), and shall not:

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Acting Secretary of Labor Julie A. Su is automatically substituted as the proper Plaintiff in this case. For ease of reference, the Secretary and her pertinent predecessors will be referred to herein as the “Secretary.”

- a. Instruct any employee or former employee not to speak to, or to provide false information to, the United States Department of Labor, or otherwise influence any employee or former employee with respect to their participation in any investigation conducted or legal proceeding brought by the United States Department of Labor under the FLSA;
 - b. Demand, accept, or keep any amount paid or payable to any current or former employee under this Consent Judgment, or in any manner attempt to recover any amounts paid to any current or former employee in connection with this Consent Judgment or or any investigation or legal proceeding brought by the United States Department of Labor under the FLSA;
 - c. Take adverse action against any employee or former employee, or tell any employee or former employee that they will suffer any adverse action, because the employee or former employee has engaged in or is about to engage in activity protected by the FLSA, including because the employee or former employee has provided information to or is about to provide information to the United States Department of Labor in any investigation conducted or legal proceeding brought by the United States Department of Labor under the FLSA;
 - d. Take adverse action against any employee or former employee, or tell any employee or former employee that they will suffer any adverse action, because the employee or former employee asserts or is about to assert rights under the Act or this Consent Judgment.
2. For six months following the date this Consent Judgment is entered by the Court, Defendants shall provide the Secretary with access all time and payroll records Defendants are

required to maintain under 29 U.S.C § 211(c) and 29 C.F.R. Part 516, upon written request made by a representative of the Secretary.

3. Within three months of the date this Consent Judgment is entered by the Court, Defendants shall provide training (conducted by a qualified individual of Defendants' choosing) to all Antonia's managers, including Lee Sotiropoulos, Antonia Sotiropoulos, and James Pyles, concerning Sections 3(m), 6, 7, 11, 12, and 15(a)(3) of the FLSA, 29 U.S.C. §§ 203(m), 206, 207, 211, 212, and 215(a)(3). Defendants shall provide the Secretary with written confirmation of compliance with this Paragraph no later than ten days after the required training has occurred.

4. In connection with the Secretary's allegations that Defendants Antonia's and Sotiropoulos took unlawful retaliatory action against current and former employees at Antonia's, Defendants shall pay to the Secretary a total of \$16,000.00 in punitive damages for distribution to the affected employees and former employees in this case. This total amount of punitive damages shall be paid to the Secretary within two weeks of the date this Consent Judgment is entered by the Court. Defendants may make the punitive damages payment owed under the Consent Judgment online by ACH transfer, credit card, debit card, or digital wallet by going to <https://pay.gov/public/form/start/77689032> or by going to <http://www.pay.gov> and searching for WHDBWNE. Defendants also have the option to provide to the Secretary certified checks, bank checks, or money orders made payable to "Wage and Hour Division—Labor," which shall be mailed to:

U.S. Department of Labor
Wage and Hour Division
Northeast Region
1835 Market Street
19th Floor
Philadelphia, PA 19103-2968
Attention: Jessica Prado

Checks or money orders shall have Case No. 1975304 written on the face of the check or money order.

5. In the event Defendants fail to make payment within ten days of payment being due under this Consent Judgment, Defendants consent to the entry of a Writ of Execution, pursuant to Rule 69 of the Federal Rules of Civil Procedure, to enforce the monetary terms of this Consent Judgment. Such a writ of execution shall be limited to the pending balance of the Defendants' monetary obligations under this Consent Judgment at the time such writ is issued. The Secretary may represent in filing for such a writ that Defendants consent to its issuance. Upon request from the Secretary, Defendants agree to furnish a complete and accurate list of their real, personal, and business property, including bank accounts and account numbers, with an estimated value of \$2,000.00 or more and the locations of such property for purposes of the Secretary seeking a Writ of Execution in accordance with this Paragraph of the Consent Judgment.

6. Defendants represent that, to the best of their knowledge and following diligent review and inquiry, Defendants are in compliance with Section 15(a)(3) of the Act, 29 U.S.C. § 215(a)(3) as interpreted by the Secretary. In entering this Consent Judgment, the Secretary has relied on the truth of this representation.

7. Defendants shall not fail to cooperate with the United States Department of Labor in any investigation conducted pursuant to Section 11(a) of the FLSA, 29 U.S.C. § 211(a), and commenced after the entry of this Consent Judgment. Defendants shall provide truthful responses and other information and documents to the United States Department of Labor. Nothing contained in this Consent Judgment, including the requirement to cooperate as set forth in this Paragraph, abrogates Defendants' rights under the United States Constitution.

8. Nothing in this Consent Judgment precludes the Secretary from using information discovered in the investigation that led to the Complaint in this matter in any future investigation, enforcement action, or legal action.

9. This Consent Judgment resolves all claims between the parties arising under Section 15(a)(3) of the FLSA, 29 U.S.C. § 215(a)(3), for the time period covered by the Complaint in this case through the date this Consent Judgment is executed by the parties.

10. Each party shall bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

SO ORDERED, this 29th day of June, 2023

/s/ John A. Woodcock, Jr.
U.S. District Judge

FOR DEFENDANTS:

/s/ Matthew Lamourie

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Dated: June 21, 2023

FOR PLAINTIFF:

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Dated: June 21, 2023